

2009 DRAFTING REQUEST

Bill

Received: **03/08/2010**

Received By: **gmalaise**

Wanted: **As time permits**

Companion to LRB:

For: **Alberta Darling (608) 266-5830**

By/Representing: **Dave Volz**

May Contact:

Drafter: **gmalaise**

Subject: **Children - juvenile justice**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Darling@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Juvenile sex offenders; assessment of risk of reoffending

Instructions:

See attached--require an assessment of risk of reoffending for juveniles adjudged delinquent for committing a sex offense

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 03/16/2010	bkraft 03/30/2010		_____			S&L
/1			jfrantze 03/30/2010	_____	lparisi 03/30/2010	sbasford 04/01/2010	

FE Sent For: **"1" @ intro. 4/5/10**

<END>

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This file may be shown to any legislator: **NO**

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May Contact:

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/?	gmalaise	/1 bjk 3/30	3/30	md 3/30			

FE Sent For:

<END>

Malaise, Gordon

From: Hanaman, Cathlene
Sent: Thursday, March 04, 2010 5:33 PM
To: Malaise, Gordon
Subject: FW: follow-up to the voice mail from Sen Darling's office

From: Volz, David
Sent: Thursday, March 04, 2010 4:38 PM
To: Hanaman, Cathlene
Subject: follow-up to the voice mail from Sen Darling's office

Hi Cathlene,

I'm writing as a follow-up to the voice mail I left hoping to discuss a draft related to juvenile sex offenders. We can talk over the phone in more detail, but I thought I'd lay out the concept of what Sen. Darling is interested in. For what it's worth, I ran this past Anne Sappenfield earlier today.

Essentially, Sen. Darling wants to shore up the supervision of higher risk juvenile sex offenders after their order.

As I discussed briefly with Anne, our idea was to add language somewhere in 938.357(4g) [aftercare plan] that stated something like "If a juvenile is adjudicated delinquent on the basis of a violation of (the various crimes for which one must register as a sex offender), the department shall assess the juvenile's risk to reoffend. The assessment of the juvenile's risk to reoffend shall be considered in determining the elements of the juvenile's aftercare plan."

Please give me a ring at your convenience (6-5830). Thanks very much as always.

Dave Volz
Office of Sen. Darling



State of Wisconsin
2009 - 2010 LEGISLATURE

Ln 3116

LRB-4493

GMM.....

gjk

SA
X-ref

to register with DOC as a sex offender

- 1 AN ACT ^{gen.} relating to: requiring an assessment^e of a juvenile sex offender for
2 the probability of reoffending and consideration of the results of such an^e
3 assessment in determining the services to be provided for the juvenile. the

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) must order a juvenile who has been adjudicated delinquent for committing certain sex offenses to register with the Department of Corrections (DOC) as a sex offender, if the victim was a minor and the juvenile was not the victim's parent, unless the juvenile court determines that the juvenile is not required to register under the exception in the sex offender registration law for certain underage sexual activity. Current law also permits the juvenile court to order a juvenile who has been adjudicated delinquent or found to be in need of protection or services on the basis of a crime against life or bodily security, a crime against sexual morality, a crime against children, certain crimes against property, or invasion of privacy if the juvenile court determines that the underlying conduct was sexually motivated and that it would be in the interest of public protection to have the juvenile register as a sex offender.

This bill requires the juvenile court to order DOC, a county department of human services or social services, or other agency primarily responsible for providing services under a juvenile court order requiring a juvenile to register as a sex offender to assess or provide for an assessment of the probability that the juvenile will commit other violations triggering the sex offender registration requirement and to consider the results of the assessment in determining the services to be provided under the juvenile court order.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 938.34 (15m) (cm) of the statutes is created to read:

2 938.34 **(15m)** (cm) If the court orders a juvenile to comply with the reporting
3 requirements under s. 301.45, the court shall order the department, county
4 department, or other agency primarily responsible for providing services under the
5 order to assess or provide for an assessment of the probability that the juvenile will
6 commit other violations specified in par. (am) or (bm) and to consider the results of
7 the assessment in determining the services to be provided under the order.

8 **SECTION 2.** 938.345 (3) (bm) of the statutes is created to read:

9 938.345 **(3)** (bm) If the court orders a juvenile to comply with the reporting
10 requirements under s. 301.45, the court shall order the department, county
11 department, or other agency primarily responsible for providing services under the
12 order to assess or provide for an assessment of the probability that the juvenile will
13 commit other violations specified in par. (a) (intro.) and to consider the results of the
14 assessment in determining the services to be provided under the order.

15 **SECTION 3. Initial applicability.**

16 (1) ASSESSMENT OF JUVENILE SEX OFFENDERS. This act first applies to a violation
17 specified in section 938.34 (15m) (am) or (bm) or 938.345 (3) (a) (intro.) of the statutes
18 committed on the effective date of this subsection.

19 (END)

Barman, Mike

From: Volz, David
Sent: Thursday, April 01, 2010 9:21 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-4493/1 Topic: Juvenile sex offenders; assessment of risk of reoffending

Please Jacket LRB 09-4493/1 for the SENATE.